

## **EXHIBIT “A”**



(20)

## Food and Drug Administration

MAY 31 1979

Mr. Glenn P. Witte  
International Association of  
Ice Cream Manufacturers  
910 Seventeenth Street, N.W.  
Washington, D.C. 20006

Dear Mr. Witte:

This is in reply to your letter of May 11, 1979 concerning the labeling of ice cream containing naturally derived non-vanilla bean flavoring compounds to enhance, simulate and/or intensify flavor derived from vanilla bean.

The federal standard for ice cream 21 CFR 135.110, has, since its promulgation in the early 1960's, provided for a system for designating characterizing flavors in ice cream which has come to be referred to as the "3 category flavor labeling". The system recognizes three distinct types of ice cream, based on the use of natural and various combinations of natural and artificial flavors that characterize this food. The designation of a characterizing flavor for category I ice cream is based on the premise that only natural flavor derived from the product whose flavor is simulated may be used. The flavor designation for category II ice cream is on the basis that the product contains both natural and artificial flavor, but the natural flavor predominates, whereas in category III the artificial flavor predominates.

The definition and standard of identity as it pertains to the designation of flavors in the identity statement for ice cream was established long before the development of the general flavor regulations published under 21 CFR 101.22. Consequently, the labeling requirements for the declaration of flavors in the name of ice cream are specifically provided for by the standard. The general flavor regulations are not applicable to this standardized food.

While the requirements for flavor designation for category I ice cream are not all inclusive as written, the historical and current interpretation I believe is that the flavor agent for vanilla ice cream (a category I product) is limited to vanilla bean and/or flavor derived from vanilla beans.

It is our understanding that there are available in the market place, natural flavoring compounds that resemble, simulate and/or enhance vanilla flavor but are not derived from vanilla bean. These flavor compounds would not comply with the intent of the flavor provisions of Category I ice cream. However, they would qualify for category II labeling (vanilla flavored ice cream) provided that the flavor derived from vanilla beans predominates.

Sincerely yours,

*Taylor M. Quinn*  
Taylor M. Quinn  
Associate Director  
for Compliance  
Division of Foods